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# 1975 FLOODPLAIN REGULATIONS

FOR THE

UNINCORPORATED AREA

OF

MARICOPA COUNTY, ARIZONA



7/14/15

PUBLISHED BY MARICOPA COUNTY ARIZONA PLANNING DEPARTMENT

111 S. 3RD AVENUE, PHOENIX, ARIZONA 85003

1301.021

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1 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSES AND SHORT TITLE

2 1.1 STATUTORY AUTHORIZATION

3 Section 45-2342 of the Arizona Revised Statutes delegates the  
4 responsibility to local governing bodies to adopt regulations to minimize  
5 flood losses. Therefore, the Board of Supervisors of Maricopa County  
6 Arizona, in its capacity as Floodplain Board of the Unincorporated Area  
7 of Maricopa County does ordain as follows:

8 1.2 FINDINGS OF FACT

9 1.21 Flood Losses Resulting from Periodic Inundation. - The flood  
10 hazard areas of Maricopa County, Arizona are subject to periodic inundation  
11 which results in loss of life and property, health and safety hazards,  
12 disruption of commerce and governmental services, extraordinary public  
13 expenditures for flood protection and relief, and impairment of the tax  
14 base all of which adversely affect the public health, safety and general  
15 welfare.

16 1.22 General Causes of These Flood Losses. - These flood losses are  
17 caused by: (1) The cumulative effect of obstructions in floodplains  
18 causing increases in flood heights and velocities. (2) The unpredictable  
19 meander of streams on alluvial fans and in wide, shallow floodways.  
20 (3) The occupancy of flood hazard areas by uses vulnerable to flood  
21 damage or which create hazards to other lands which are inadequately  
22 elevated or otherwise protected from flood damages.

23 1.3 STATEMENT OF PURPOSE

24 It is the purpose of this regulation to promote and protect the  
25 public health, peace, safety, comfort, convenience, and general welfare  
26 of the citizens of the unincorporated area of Maricopa County; to  
27 minimize flood damages and reduce the height and violence of floods which  
28 are caused by obstructions restricting the capacity of the floodways; to  
29 establish minimum flood protection elevations and flood damage prevention  
30 requirements for uses, structures and facilities which are vulnerable  
31 to flood damage; to prevent unwise encroachment and building development  
32 within floodplain areas; to protect the life and property of citizens

1 who have settled in floodplain areas; to reduce the burden imposed on the  
2 community, its governmental units and its citizens if such land is subject  
3 to flood; and to adopt and establish an official Floodplain Management  
4 Plan and Regulation for Maricopa County, Arizona.

5 1.4 SHORT TITLE

6 This Regulation may be referred to as the Floodplain Regulations  
7 for Maricopa County.

8 2.0 RULES

9 When not consistent with the context words used in the present tense  
10 include the future, words in the singular number include the plural and  
11 words in the plural number include the singular unless specifically  
12 defined below. Words or phrases used in this Regulation shall be interpreted  
13 so as to give them the meaning they have in common usage and to give this  
14 Regulation its most reasonable application; the word "building" includes  
15 the word "structure" the word "shall" is mandatory and the word "may" is  
16 permissive. Notwithstanding anything within these regulations to the  
17 contrary, nothing herein shall be construed as requiring written  
18 authorization for, nor shall the Floodplain Board prohibit those exemptions  
19 set forth in Arizona Revised Statutes 45-2343(B).

20 3.0 DEFINITIONS

21 3.1 Accessory Use or Structure - a use or structure on the same lot  
22 with, and of a nature customarily incidental and subordinate to, a principal  
23 use or structure.

24 3.2 Allowed Use - a use of any part of the regulatory floodplain  
25 specifically named in this Regulation for which no Floodplain Use Permit  
26 is required.

27 3.3 Dwelling Unit - a place of residence which may be located in a  
28 single or multiple dwelling building.

29 3.4 Encroachment - the unwelcome advance or infringement of uses,  
30 growth, fill, or structures into the natural floodplain that impede the  
31 flow capacity of the channel and floodplain of a watercourse.

32 3.5 Flood or Flood Waters - a temporary rise in water level that

1 results in inundation of lands not ordinarily covered by water.

2 3.6 Floodplain Regulations - the codes, ordinances and other  
3 regulations relating to the use of land and construction within the channel  
4 and floodplain areas, including zoning ordinances, subdivision regulations  
5 building codes, housing codes, setback requirements, open area regulations  
6 amendments thereto, and similar methods of control affecting the use and  
7 development of these areas.

8 3.7 Flood Proofing - a combination of structural provisions, changes  
9 or adjustments to properties and structures subject to flooding primarily  
10 for the reduction or elimination of flood damages to properties in a  
11 flood hazard area.

12 3.8 Floodway District - the channel of a watercourse or the water  
13 body within the banks of a lake and that portion of the adjacent land  
14 areas designated by the Floodplain Board as necessary to provide for  
15 the passage or ponding of flood waters of any watercourse or lake without  
16 allowing a rise of more than one (1) foot in the Regulatory Flood Elevation

17 3.9 Floodway Fringe District - land outside the Floodway District  
18 and lower than the regulatory flood elevation along the watercourses.

19 3.10 Interim Delineation - a delineation of the Regulatory Floodplain  
20 made from the most reliable source available for which a delineation of the  
21 Floodway District is not available.

22 3.11 Obstruction - any dam, wall, wharf, embankment, levee, dike,  
23 pile, abutment, protection, excavation, channel rectification, bridge,  
24 conduit, culvert, building, wire, fence, rock, gravel, refuse, fill,  
25 structure, vegetation or other material in, along, across, or projecting  
26 into any channel, watercourse, lake, or regulatory flood hazard area  
27 which may impede, retard or change the direction of the flow of water,  
28 either in itself or by catching or collecting debris carried by such water,  
29 or that is placed where the flow of water might carry the same downstream  
30 to the damage of life or property.

31 3.12 Permitted Use - a use of any part of the regulatory floodplain  
32 specifically named in this regulation for which application for and

1 receipt of a Floodplain Use Permit is required prior to commencement of  
2 such use.

3 3.13 Person - any individual or his agent, firm, partnership,  
4 association, corporation, or agent of the aforementioned groups, or the  
5 State or any agency or political subdivision thereof.

6 3.14 Reach - a longitudinal segment of a watercourse.

7 3.15 Regulatory Flood - the Regulatory Flood shall be the 100-year  
8 flood as determined by criteria established by the Arizona Water Commission.

9 3.16 Regulatory Flood Elevation - the elevation of the Regulatory  
10 Flood which determines the limits of the Regulatory Floodplain.

11 3.17 Regulatory Floodplain - that portion of the natural floodplain  
12 that would be inundated by the Regulatory Flood. The Regulatory Floodplain  
13 includes the Floodway District and the Floodway Fringe District.

14 3.18 Structure - anything constructed or erected, on the ground, or  
15 attached to the ground including but without limitation to buildings,  
16 factories, sheds.

17 3.19 Watercourse - any lake, river, creek, stream, wash, arroyo,  
18 channel or other body of water through which waters flow at least  
19 periodically. The term may include specifically designated areas in  
20 which flood damage may occur.

21 4.0 ADMINISTRATION

22 4.1 FLOODPLAIN ADMINISTRATOR

23 A Floodplain Administrator designated by the Floodplain Board shall  
24 administer and enforce this Regulation. If he finds a violation of the  
25 provisions of this Regulation, he shall notify the person responsible for  
26 such violation, indicating the nature of the violation and ordering the  
27 action necessary to correct it.

28 4.2 FLOODPLAIN USE PERMIT

29 4.21 A Floodplain Use Permit shall be obtained from the Floodplain  
30 Administrator prior to the erection, addition, alteration or change of  
31 use of any building, structure or land within a regulatory floodplain.  
32 Application for this permit shall be made to the Floodplain Administrator.

1 Permits shall be issued when the provisions of these regulations have  
2 been complied with.

3 4.22 Provisions are hereby made for issuance of a blanket Floodplain  
4 Use Permit for applicants who need to install or erect a number of similar  
5 structures within the various floodplains over an extended period of time.  
6 Such applicants shall submit typical plans for such structures and the  
7 Floodplain Administrator, after determining that such structures comply  
8 with the provisions of this regulation shall issue a blanket permit unless  
9 otherwise instructed by the Floodplain Board for installation or erection  
10 of such structures to be valid for one calendar year.

11 4.3 CERTIFICATE OF COMPLIANCE FOR FLOODPLAIN USE

12 4.31 Prior to occupancy or use of any structures or areas in the  
13 regulatory floodplain, except those uses exempt by this regulation, a  
14 Certificate of Compliance for Floodplain Use will be obtained from the  
15 Floodplain Administrator.

16 4.32 Allowed Uses - The applicant shall submit information to the  
17 Floodplain Administrator as required to comply with this regulation.

18 4.33 Permitted Uses - The applicant shall provide certification that  
19 the requirements of the floodplain use permit have been complied with.

20 4.4 VARIANCES

21 The Floodplain Board may authorize in specific cases upon application  
22 such variances from the terms of this Regulation that will not be contrary  
23 to the public interest, where owing to special conditions a literal  
24 enforcement of the provisions of the Regulations will result in unnecessary  
25 hardship and that the spirit of the Regulation shall be observed and  
26 substantial justice done. No variance shall have the effect of allowing  
27 in any district uses prohibited in that district, permit a lower degree  
28 of flood protection than the flood protection elevation for the particular  
29 area, or permit standards lower than those required by State Law.

30 4.5 COORDINATION

31 The Floodplain Board and the Floodplain Administrator shall coordinate  
32 the provisions of this Regulation with all other interested and affected

1 political subdivisions and State agencies.

2 5.0 ESTABLISHMENT OF DISTRICTS WITHIN FLOODPLAINS

3 The floodplain areas within the jurisdiction of this Regulation are  
4 hereby divided into the two districts: Floodway Districts and Floodway  
5 Fringe Districts (see Figure 1). Within these districts all uses not  
6 included as Allowed Uses or permitted by Floodplain Use Permits shall be  
7 prohibited. Where delineations of Floodway Districts and Floodway Fringe  
8 Districts are not available for floodplains within the jurisdiction of this  
9 Regulation, an interim delineation from reliable data may be made. Uses  
10 permitted within a floodplain so delineated are provided in Section 8.0.

11 5.1 MAPS

12 The boundaries of the Floodway Districts and the Floodway Fringe  
13 Districts along reaches of those watercourses for which adequate hydrologic  
14 and hydraulic data are available for their delineation, are shown upon  
15 the official County maps entitled "Zoning District Maps", which are hereby  
16 made a part of this Regulation; they may be revised and refined as herein-  
17 after provided. Floodplains with an interim delineation shall be so  
18 designated on the Zoning District Maps and shall not indicate the Floodway  
19 District.

20 5.2 BOUNDARIES

21 Where uncertainty exists the boundary of any regulatory floodplain  
22 or floodway shall be determined as follows:

23 5.21 Where a boundary does not follow a property, road or other  
24 physical feature line, the location of such boundary unless indicated by  
25 definitions shall be determined by use of the scale appearing upon the  
26 Zoning District Maps. Where interpretation is needed as to the exact  
27 location of the boundaries, for example where there appears to be a  
28 conflict between mapped boundaries and actual field conditions, the  
29 Floodplain Administrator shall make the necessary interpretation. The  
30 regulatory flood elevation for the point in question shall be the governing  
31 factor in locating the floodplain boundary on the land.

32 5.22 Questions concerning the exact location of boundaries not

1 governed above shall be determined by the Floodplain Administrator.

2 6.0 FLOODWAY DISTRICT

3 6.1 ALLOWED USES

4 The following uses having a low flood damage potential and not  
5 obstructing flood flows shall be allowed within the Floodway District  
6 to the extent that they are not prohibited by any other regulation, code  
7 or ordinance and provided they do not require structures, fill or storage  
8 of materials or equipment. No use is allowed which shall adversely  
9 affect the capacity of the channels or floodways of any tributary to the  
10 main stream, drainage ditch, or any other drainage facility or system.

11 6.11 Agricultural uses.

12 6.12 Industrial-commercial uses.

13 6.13 Private and public recreational uses.

14 6.14 Accessory residential uses such as lawns, gardens, parking  
15 areas and play areas.

16 6.2 PERMITTED USES

17 The following uses which involve structures (temporary or permanent),  
18 fill or storage of materials or equipment may be permitted only upon  
19 application to the Floodplain Administrator and the issuance of a  
20 Floodplain Use Permit by the Floodplain Administrator as provided in  
21 Section 4.0.

22 6.21 Uses or structures accessory to open space or uses controlled  
23 by a Floodplain Use Permit.

24 6.22 Circuses, carnivals, and similar transient amusement enterprises.

25 6.23 Drive-in theaters, new and used car lots, roadside stands, signs  
26 and billboards.

27 6.24 Extraction of sand, gravel, and other materials.

28 6.25 Marinas, boat rentals, docks, piers, wharves.

29 6.26 Railroads, streets, bridges, utility transmission lines, and  
30 pipelines.

31 6.27 Storage yards for equipment, machinery, or materials.

32 6.28 Kennels and stables.

1           6.29 Other uses similar in nature to uses described in Section 6.1  
2 or 6.2 which are consistent with the provisions set out in Section 1.3 of  
3 this Regulation.

4 7.0 FLOODWAY FRINGE DISTRICT

5           7.1 ALLOWED USES

6           The following uses shall be allowed uses within the Floodway Fringe  
7 District to the extent that they are not prohibited by any other regulation.

8           7.11 Any use allowed in Section 6.1.

9           7.12 Any other use provided it is elevated above the regulatory  
10 flood elevation and a determination is made by the Floodplain Administrator  
11 that the use will not unduly restrict the capacity of the channels or  
12 floodways of tributaries to the main watercourse, drainage ditches, or  
13 other drainage facilities or systems.

14           7.13 Structures or buildings, including dwellings, may be erected  
15 or moved provided the first residential floor is placed above the  
16 regulatory flood elevation. Land may be filled provided that the top of  
17 such fill shall be at no point less than one (1) foot above the regulatory  
18 flood elevation for the particular area and shall extend at such elevation  
19 at least twenty five (25) feet beyond the limits of any structure or  
20 building erected or placed thereon. Bank protection, if approved by the  
21 Floodplain Administrator, may be used in lieu of the twenty five (25)  
22 feet of fill.

23           7.2 PERMITTED USES

24           The following uses and structures are permitted only upon issuance  
25 of a Floodplain Use Permit by the Floodplain Administrator subject to  
26 the following provisions:

27           7.21 Structures, except dwellings or any type of residence, if  
28 adequately flood proofed or otherwise protected to a point above the  
29 Regulatory Flood Elevation.

30           7.22 Uses listed in Section 6.2 of this Regulation and other  
31 similar uses which will not be subject to substantial flood damage and  
32 which will not cause flood losses on other lands or to the public.

1 These may include uses which can be readily removed from flood hazard  
2 areas during times of flood. The Floodplain Administrator may in the  
3 Floodplain Use Permit allow such uses to be located at an elevation  
4 below the regulatory flood elevation.

5 8.0 FLOODPLAINS WITH INTERIM DELINEATIONS

6 8.1 ALLOWED USES

7 The following uses shall be allowed in floodplains with interim  
8 delineations to the extent that they are not prohibited by any other  
9 ordinance or regulation.

10 8.11 Any use allowed in Section 6.1.

11 8.12 Any use allowed in Section 7.12 or 7.13 provided that the  
12 regulatory flood elevation is not more than two (2) feet above the  
13 existing ground elevation.

14 8.2 PERMITTED USES

15 The following uses and structures are permitted only upon issuance  
16 of a Floodplain Use Permit by the Floodplain Administrator subject to ~~the~~  
17 the following provisions.

18 8.21 Any use or structure permitted in Section 7.21 provided that  
19 the regulatory flood elevation is not more than two (2) feet above the  
20 existing ground elevation.

21 8.22 Any use permitted or allowed in Section 6.0 or 7.0 provided  
22 that the applicant submits an analysis of the floodplain adequate to  
23 provide for delineation of the Floodway and Floodway Fringe Districts  
24 and accurate profile as described in Section 4.0. Such delineations  
25 shall be subject to review and acceptance by the Floodplain Administrator.

26 9.0 NON-CONFORMING USES

27 9.1 DISCONTINUANCE OF NON-CONFORMING USES

28 In the event that a non-conforming use of land, building or structure  
29 is discontinued for a period of twelve (12) consecutive months, any further  
30 use thereof shall be in conformity with the provisions of this Regulation.

31 9.2 ALTERATION TO NON-CONFORMING USES

32 Any alteration, addition, or repair to non-conforming buildings or  
33 structures which would result in increasing its flood damage potential

1 by fifty-one percent (51%) or more shall be flood-proofed.

2 9.3 DESTRUCTION OF NON-CONFORMING USES

3 In the event that any such non-conforming use of land, building, or  
4 structure is destroyed by fire, explosion, flood, Act of God, or act of  
5 the public enemy to the extent of fifty-one percent (51%) of its value,  
6 according to the appraisal thereof by competent appraisers, then and  
7 without further action by the Floodplain Board, the future use thereof  
8 shall from and after the date of such destruction be subject to all of  
9 the provisions of this Regulation.

10 10.0 VIOLATIONS AND PENALTIES

11 10.1 FLOODPLAIN VIOLATIONS

12 10.11 When any alteration or new structure, building, fill, excavation,  
13 or improvement is erected, built, moved or maintained, or any use of  
14 property located or maintained within any Regulatory Floodplain, then the  
15 Floodplain Board or any person damaged thereby, may immediately commence  
16 any appropriate actions or proceedings for the abatement, injunction,  
17 and removal thereof, in the manner provided by law, and shall apply to  
18 such court or courts as may have such jurisdiction to grant such relief;  
19 and to restrain and enjoin any person, firm or corporation from setting  
20 up, erecting, building, moving or maintaining any such building or using  
21 any property contrary to the provisions of this Regulation or otherwise  
22 violating this Regulation.

23 10.2 UNLAWFUL ACTS: PENALTY

24 It is unlawful for any person, firm or corporation to divert, retard  
25 or obstruct the flow of waters in any watercourse whenever it creates a  
26 hazard to life or property without first securing written authorization  
27 required by this Regulation and Section 45-2345 of the Arizona Revised  
28 Statutes.

29 Any person, firm or corporation violating the above provision shall  
30 be guilty of a misdemeanor and upon conviction thereof shall be punishable  
31 as prescribed by law.

32 11.0 APPEALS

1 11.1 INTERPRETATION OF DISPUTES

2 The Floodplain Administrator shall interpret in writing upon appeal  
3 the terms of this Regulation when the meaning of any engineering related  
4 work, phrase, or regulation is in doubt, when there is dispute between  
5 the appellant and Floodplain Administrator or when the location of a  
6 Floodway or Regulatory Floodplain boundary or the elevation of the  
7 Regulatory Flood is in doubt.

8 11.2 APPEAL BY AN AGGRIEVED PERSON

9 An Appeal to the Floodplain Board concerning interpretation or  
10 administration of this Regulation may be filed by any person aggrieved  
11 within thirty (30) days of notice of the decision of the Floodplain  
12 Administrator. The Floodplain Board shall rule on the appeal not more  
13 than sixty (60) days after the filing.

14 11.3 APPEALS TO THE COURT

15 Appeals from any decision of the Floodplain Board may be taken by  
16 any person or persons, jointly or severally, aggrieved by any decision  
17 of the Board to the Superior Court of Maricopa County.

18 12.0 WARNING AND DISCLAIMER OF LIABILITY

19 The degree of flood protection required by this Regulation is  
20 considered reasonable for regulatory purposes and is based on engineering  
21 and scientific methods of study. Larger floods may occur on rare occasions  
22 or the flood height may be increased by man-made or natural causes, such  
23 as bridge openings restricted by debris. This Regulation does not imply  
24 that areas outside Floodways and Floodway Fringe Areas boundaries or  
25 land uses permitted within such areas will be free from flooding or flood  
26 damages. This Regulation shall not create liability on the part of  
27 Maricopa County or any officer or employee thereof for any flood damages  
28 that may result from reliance on this Regulation or any administrative  
29 decision lawfully made thereunder.

30 13.0 SEVERABILITY

31 This Regulation and the various parts thereof are hereby declared  
32 to be severable. Should any section of this Regulation be declared by

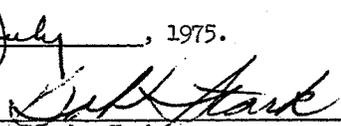
1 the courts to be unconstitutional or invalid, such decision shall not  
2 affect the validity of the Regulation as a whole, or any portion thereof  
3 other than the section so declared to be unconstitutional or invalid.

4 14.0 EFFECTIVE DATE

5 This Regulation shall become effective on July 14, 1975.

6 Passed and Adopted by the Board of Supervisors of Maricopa County,

7 Arizona this 14th day of July, 1975.

8   
9 Bob Stark, Chairman

10  
11 ATTEST  
12   
13 Clerk of the Board

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# TWO-DISTRICT FLOODPLAIN REGULATION

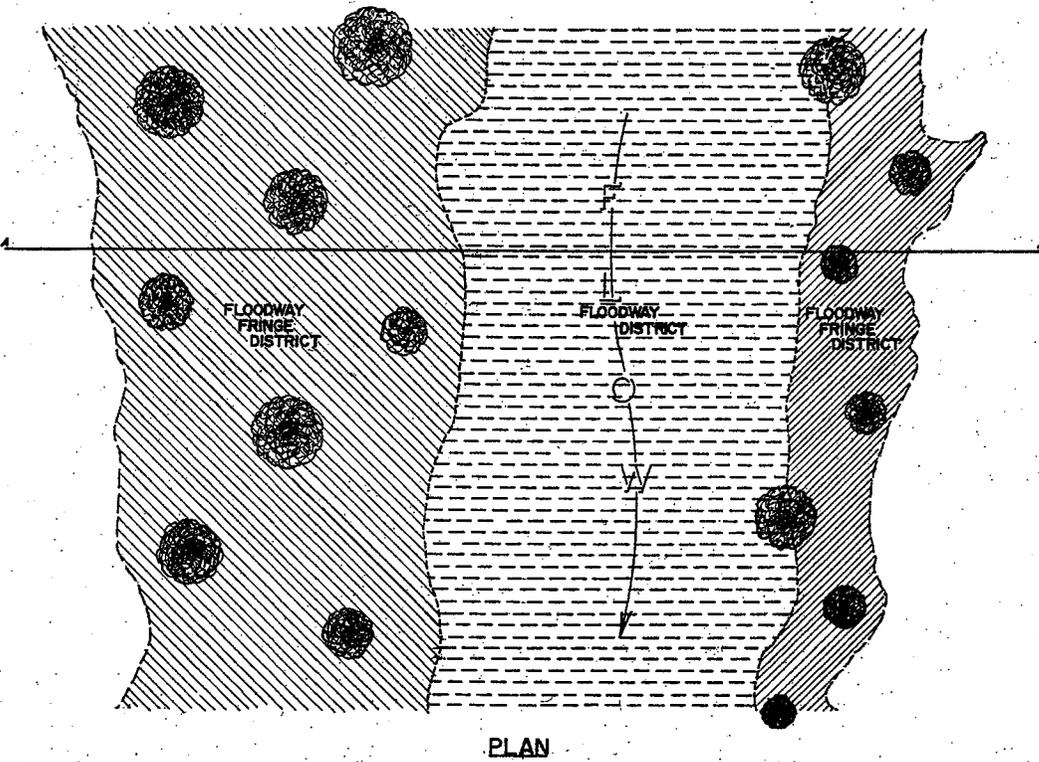
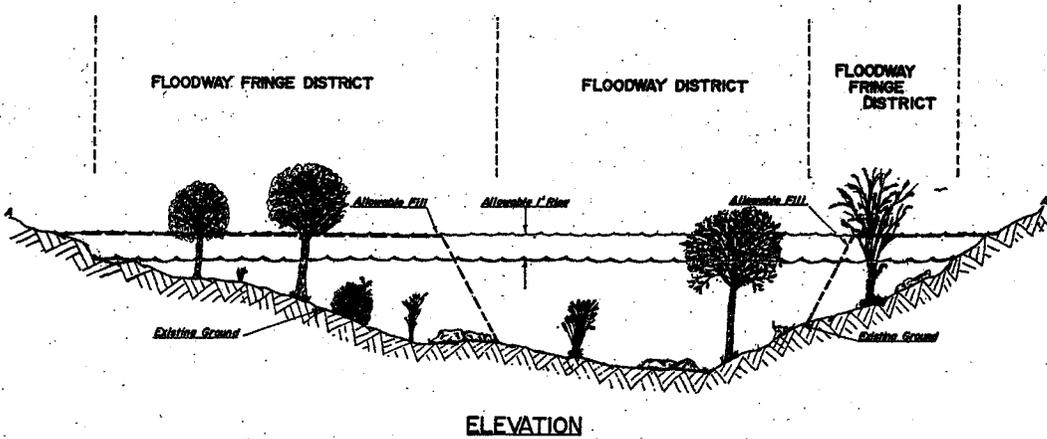


FIGURE 1.